# EXHIBIT 1



Jay Calhoun <firm@law4sb.com>

## Delano v. Rowland- Plaintiff's MIDP responses

1 message

Richard Liebowitz <rl@liebowitzlawfirm.com> To: Jay Calhoun <firm@law4sb.com>

Mon, Jul 6, 2020 at 7:01 PM

Hi Jay,

Attached please find Plaintiff's MIDP responses.

Thank you.

Best,

Richard Liebowitz Liebowitz Law Firm, PLLC 516-233-1660 www.LiebowitzLawFirm.com

Delano v. Rowland-Initial Disclosures.pdf

## UNITED STATES DISTRICT COURT DISTRICT OF ARIZONA

JAMES WHITLOW DELANO,

Plaintiff,

- against –

ROWLAND NETWORK COMMUNICATIONS LLC

Defendant.

Case No. 2:19-cv-2811-MTL

#### PLAINTIFF JAMES WHITLOW DELANO'S MANDATORY INITIAL DISCLOSURE

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, plaintiff James

Whitlow Delano ("Delano") hereby provides the following Initial Disclosures. These disclosures
are based on information reasonably available to Delano at this time, and Delano does not
represent that it is identifying every document, tangible thing, or individual potentially relevant
to this lawsuit. Delano continues to investigate the claims in this action, and reserves the right to
produce during discovery or at trial such data, information, or documents as are subsequently
discovered, generated, determined to be relevant, or determined to have been omitted from these
disclosures. Delano also reserves the right to modify or supplement any or all of these
disclosures.

#### **Identity of Individuals Likely To Have Delano Information**

The following persons are reasonably likely to have Delano information that Delano may use to support its claims in the above-captioned action. Delano has not provided contact information where he does not have such information and/or such information is already known or otherwise readily available to Defendant.

<u>Name</u>	<u>Company</u> Affiliation/Address	Expected Areas of Knowledge
James Whitlow Delano	(contact only through counsel)	<ul> <li>Knowledge regarding the creation of the copyrighted Photograph at issue.</li> <li>Knowledge retarding any licensing of the copyrighted Photograph at issue.</li> <li>Knowledge regarding the discovery of the use of the Photograph by Defendant.</li> </ul>
Corporate Representative(s)	National Geographic	Knowledge regarding the licensing of the copyrighted Photograph at issue.
Corporate Representative(s)	Rowland Network Communications LLC	<ul> <li>Knowledge regarding Defendant's standards, practices, policies, guidelines, and budgeting for licensing of copyrighted materials.</li> <li>Knowledge regarding Defendant's net worth, gross revenues, net profits, and number of total employees for year ending 2017 and 2018.</li> <li>Knowledge regarding the creation of the article on the Website that contained Plaintiff's Photograph. (hereinafter "Photograph")</li> <li>Knowledge regarding from where the Photograph was obtained.</li> <li>Knowledge regarding the number of page hits the Website received.</li> <li>Knowledge regarding any advertising or other actions done to increase traffic to the Website</li> <li>Knowledge regarding the number of shares, links or linkbacks to the article.</li> <li>Knowledge regarding the advertising revenue earned from the article.</li> </ul>

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### **Documents and Things in the Possession of Counsel or the Party**

Plaintiff identifies the following categories of documents and things in its possession, custody or control that may be used to support its claims:

- The Photograph at issue.
- Any Licensing of the Copyrighted Photograph
- The United States Copyright Registration of the Photograph.

#### **Statement of Basis for Damages**

Plaintiff refers Defendant to the Complaint for an itemization of the types of damages suffered. As Plaintiff has not yet obtained discovery of Defendant's financial, sales and other relevant records, Plaintiff cannot make a reasonable estimate of the damages sustained or infringing profits he may recover as a result of Defendant's actions.

#### **Insurance Agreements in Force**

Not applicable.

#### **Identities of Experts and Their Opinions**

At this time, Plaintiff has not yet retained an expert, but reserves its right to do so as discovery progresses.

Dated: Valley Stream, New York July 6, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz Richard P. Liebowitz 11 Sunrise Plaza, Suite 305 Valley Stream, NY 11580 (516) 233-1660 RL@LiebowitzLawFirm.com

Attorneys for Plaintiff James Whitlow Delano

## EXHIBIT 2



Jay Calhoun <firm@law4sb.com>

### Delano v. Rowland Network Communications LLC - Discovery

1 message

Richard Liebowitz <rl@liebowitzlawfirm.com> To: Jay Calhoun <firm@law4sb.com>

Thu, Jul 9, 2020 at 8:47 PM

Jay,

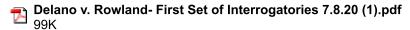
Please see attached.

Thank you.

Best,

Richard Liebowitz Liebowitz Law Firm, PLLC 516-233-1660 www.LiebowitzLawFirm.com

#### 2 attachments



Delano v. Rowland- Production of Documents 7.8.20 (1).pdf